Per Curiam

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SUPREME COURT OF THE UNITED STATES

No. 06–637

BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, PETITIONER *v.* TOM F., ON BEHALF OF GILBERT F., A MINOR CHILD

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[October 10, 2007]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE KENNEDY took no part in the decision of this case.